REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-24 are currently pending. Claims 1, 9, and 17 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,852,744 to Agatone et al. (hereinafter "the '744 patent") in view of U.S. Patent No. 5,911,776 to Guck (hereinafter "the '776 patent").

Applicants wish to thank the Examiner for the interview granted Applicants' representative on November 3, 2004, at which time the outstanding rejection of the claims was discussed. However, no agreement was reached pending the Examiner's further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Claim 1 is directed to an object-oriented method of collecting information regarding a plurality of target applications in an appliance or device, comprising: (1) receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format; and (2) receiving, from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol. Claim 1 has been amended to

use the words "appliance or device," rather than "application unit." However, Applicants

maintain that the present amendment does not alter the scope of the claims.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts

that the '744 patent discloses everything in Claim 1 with the exception of the first

communication protocol, first data format, and the second receiving step, and relies on the

'776 patent to remedy those deficiencies.

The '744 patent is directed to a method for discovering a network printer by assigning

dedicated sockets to different printer types and polling the dedicated sockets to learn their

state. In particular, the '744 patent discloses a network that communicates with a printer

through a socket that has a poll mode and a listen mode. However, Applicants respectfully

submit that the '744 patent fails to disclose receiving, from a first one of a plurality of target

applications through an interface, by a monitoring device in the appliance or device, a request

to send first information regarding monitored usage of the first one of the plurality of target

applications, as recited in Claim 1. In particular, the '744 patent fails to disclose a

monitoring device and a target application that are in an appliance or device, as recited in

amended Claim 1. Moreover, it is unclear to Applicants exactly which elements recited in

the '744 patent read on the monitoring device and the target applications recited in Claim 1.

Further, Applicants respectfully submit that the '744 patent fails to disclose a request to send

first information regarding monitored usage of a target application. Rather, the '644 patent

merely discloses a polling system that polls a printer periodically every "N TICKS".[1]

Further, as admitted in the Office Action, the '744 patent fails to disclose the communication

protocol and the data format recited in Claim 1, as well as the second receiving step recited in

Claim 1.

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[1] '744 patent, column 3, line 20.

The '776 patent is directed to a system for the automatic format conversion of files being transmitted to various sending-receiving appliances on a network. However, Applicants respectfully submit that the '776 patent fails to disclose either of the receiving steps recited in Claim 1. In particular, the '776 patent fails to disclose <u>a monitoring device and a target application in an appliance or device</u>, as recited in Claim 1. Further, Applicants submit that the '776 patent fails to disclose <u>a request to send information regarding monitored usage of a target application,</u> as recited in Claim 1.

Thus, no matter how the teachings of the '744 and '776 patents are combined, the combination does not teach or suggest receiving, from a first one of a plurality of target applications through an interface, <u>by a monitoring device in the appliance or device,</u> a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, as recited in Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claims 2-8) under 35 U.S.C. § 103.
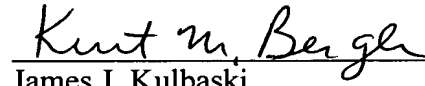
Independent Claims 9 and 17 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejections of Claim 9 (and dependent Claims 10-16) and Claim 17 (and dependent Claims 18-24).

Thus, it is respectfully submitted that independent Claims 1, 9, and 17 (and all associated dependent claims) patentably define over any proper combination of the '744 and '776 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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